

January 29, 2019

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: GCI Motion for Leave to Supplement GCI Application for Review and Supplement to GCI Application for Review of Decision Regarding Rural Health Care Support; *Promoting Telehealth and Telemedicine in Rural America*, WC Docket No. 17-310

CONFIDENTIALITY REQUEST

Dear Ms. Dortch,

GCI Communication Corp. (“GCI”) herein submits a Motion for Leave to Supplement GCI Application for Review and a Supplement to GCI Application for Review for inclusion in the above-referenced proceeding. These materials supplement GCI’s November 9, 2018 Application for Review (“AFR”) which sought review of the Wireline Competition Bureau’s letter to GCI of October 10, 2018.¹ The information contained in the supplement to the AFR was unknown to GCI at the time it filed the AFR at no fault of its own and, accordingly, should be accepted as a supplement to the original filing. GCI could not file this supplement during the government shutdown and, as such, is filing it in accordance with the Federal Communication Commission’s Public Notice, Impact of Potential Lapse in Funding on Commission Operations.

Pursuant to 47 C.F.R. §§ 0.457 and 0.459, GCI hereby requests confidential treatment of certain information included in the attached as well as the withholding of the designated information from any future public inspection. In support of this request, GCI hereby states as follows:

¹ Application for Review of GCI Communication Corp., WC Docket No. 17-310 (filed Nov. 9, 2018); Letter from Elizabeth Drogula, Deputy Div. Chief, Wireline Comp. Bur., to J. Nakahata & J. Bagg, Counsel for GCI (Oct. 10, 2018).

1. Identification of Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))

GCI seeks confidential treatment with respect to certain information contained in the attached supplement to the application for review. The information consists of the specific details of seventeen later-denied funding requests that the Wireline Competition Bureau (“Bureau”) used to prescribe GCI’s 2017 rural rates. GCI has indicated the location of commercial, financial, or proprietary information, which should therefore be treated as confidential (hereinafter “Confidential Information”).

2. Description of Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

On October 10, 2018, the Bureau approved a number of funding requests for contracts where GCI was the provider, but at lower levels than GCI had requested. On November 9, 2017, GCI submitted an AFR of the Bureau’s decision by the full Commission. On November 30, 2018, the Bureau denied seventeen other funding requests. GCI seeks to supplement its AFR in light of these denials and additional rate-setting information disclosed by the Bureau. The supplement contains specific details of the denied funding requests.

3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

The Confidential Information contains sensitive “trade secrets or privileged or confidential commercial, financial or technical data,” which would customarily be guarded from competitors. This is sensitive commercial information that GCI does not otherwise make publicly available. As explained below, public disclosure of these measures could cause competitive commercial harm to GCI.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

The Confidential Information concerns GCI’s Alaska-based telecommunications services. The Alaskan wireline, wireless, and broadband market (including Ethernet) is subject to competition. In particular, the FCC recently found in the Business Data Services proceeding that the market for Ethernet services is highly competitive.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Disclosure of the Confidential Information would cause substantial competitive harm. *First*, disclosure would reveal information regarding GCI’s services, including pricing and HCP customer information. GCI’s competitors and customers could use this information to determine GCI’s competitive position and associated revenues and thereby gain a competitive advantage. *Second*, disclosure of GCI’s Confidential Information would place GCI at a competitive

disadvantage, as GCI lacks the same information regarding its competitors. *Third*, disclosure of this information could harm the competitive bidding process in the RHC program.

**6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure
(Section 0.459(b)(6))**

GCI does not distribute the Confidential Information to the public, government officials, competitors, or customers. Here, like with the underlying AFR, GCI has provided a public version of the supplement and highlighted the Confidential Information in the non-public version.

**7. Identification of Whether the Information Is Available to the Public and the
Extent of Any Previous Disclosure of the Information to Third Parties
(Section 0.459(b)(7))**

GCI's Confidential Information is and shall remain unavailable to the public. As noted in Part 6 above, GCI has not previously disclosed to third parties, other than the undersigned counsel and the Commission, any of the Confidential Information.

**8. Justification of Period During Which the Submitting Party Asserts that
Material Should Not Be Available for Public Disclosure (Section 0.459(b)(8))**

GCI requests that the Confidential Information not be disclosed for 10 years from the date of this request. By that time, the sensitivity of GCI's commercial information will have diminished, as market changes will render it increasingly dated, and would make it difficult for competitors to gauge GCI's current market position and revenues.

* * * *

Should you have further questions or require additional information in order to grant the requested confidentiality treatment, please contact me immediately so that I can provide further assistance to resolve this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Bagg".

Jennifer P. Bagg
Counsel to GCI Communication Corp.

Encls: Motion for Leave to Supplement GCI Application for Review
Supplement to GCI Application for Review